

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

PETER JAMES ROBINSON,)	
)	
Plaintiff,)	
)	
vs.)	No. CIV-09-1287-C
)	
JESSE SUTTER, JR., et al.,)	
)	
Defendants.)	

ORDER ADOPTING REPORT AND RECOMMENDATION

This civil rights action, brought by a prisoner, proceeding pro se, was referred to United States Magistrate Judge Doyle W. Argo, consistent with the provisions of 28 U.S.C. § 636(b)(1)(B). Judge Argo entered a Report and Recommendation on April 19, 2010, to which Plaintiff has timely objected. The Court therefore considers the matter de novo.

The facts and law are accurately set out in the Magistrate Judge's Report and Recommendation and there is no purpose to be served in repeating them yet again. There is nothing asserted by the Plaintiff in his objection which was not fully considered and correctly rejected by the Magistrate Judge, and no argument of fact or law is set forth which would require a different result.

Accordingly, the Court adopts, in its entirety, the Report and Recommendation of the Magistrate Judge, and for the reasons announced therein, this § 1983 action is dismissed without prejudice, and to the extent Plaintiff has made a claim for habeas relief under § 2241,

that claim is duplicative of a claim raised in an already-pending habeas action and is dismissed.

IT IS SO ORDERED this 23rd day of June, 2010.



ROBIN J. CAUTHRON
United States District Judge